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REMARKS

Claims 1-19 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

35 U.S.C. §102(b) Rejection

Claims 1-6, 8-12 and 14-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dziewulski (U.S. Patent No. 3,981,099).

Claim 1 of the present application defines a hanger assembly for hangingly supporting a potted plant including, among other things, at least one supporting collar, a plurality of flexible support members and a plurality of stop members. The prior art of record does not disclose or suggest at least one supporting collar comprising at least one inner aperture extending therethrough adapted to receive a potted plant therein. The supporting collars of the present invention allow for easy interchangeability/replacement of pots within the hanger assembly without requiring significant disassembly, rearranging or manipulation of the hanger assembly. As can be seen from Fig. 1 of the present application, the supporting collars may remain in their hanging position within the assembly while the potted plant is removed from the supporting collar. None of these above-noted features are disclosed in the '099 patent. Rather, the '099 patent discloses "a flower pot which is adapted to be suspended in a hanging position and which is provided with a detachable watering tray." (Column 1, lines 5-7). The Examiner states:

Re - claim 1, Dziewulski discloses the invention as claimed including a hanger assembly, e.g., Fig. 9, for hangingly supporting a potted plant, comprising: at least one supporting collar 14 comprising at least one inner aperture 13 extending therethrough, as through 19, an outer edge 15, a plurality of slots 17 extending inwardly from the outer edge 15 and each having a narrowed throat section and an expanded seat section, as at 16, and a plurality of frusto-conical surfaces in communication with the slots, as between 15 and 13 . . . .

Applicant does not understand what the Examiner means by, "at least one supporting collar 14 comprising at least one inner aperture 13 extending therethrough, as through 19, an

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outer edge 15, . . ." More specifically, Applicant does not understand the "as through 19" language.

Referring to Fig. 9 of the '099 patent, supporting collar 14 has an outer edge 15, which is clearly shown. However, the specification of the '099 patent refers to "a sidewall 13", not an inner aperture 13 as stated by the Examiner. Additionally, the '099 patent discloses, "[a] plurality of openings 19 are formed in sidewall 13 by slots 20 in cooperation with pilasters 21." (Column 1, lines 63-64). Slots 19 are included in the '099 patent to incorporate the watering tray. The '099 patent states, "[t]hus, upon positioning the pot 11 on the base wall 32 of tray 31 coaxially with tray 31, the hook members 36 enter the openings 19 in the sidewall 13 of pot 11 and engage the top shoulders 22 of pilasters 21 to thereby lock the pot 11 and tray 31 together, as shown in Figs. 9 and 10."

Notwithstanding the Examiner's statements regarding "sidewall 13", the '099 patent does not teach the above-noted features of claim 1. Accordingly, claim 1 is in condition for allowance.

Claims 2-6, 8 and 9 either depend or ultimately depend from independent claim 1, and since independent claim 1 defines unobvious patentable subject matter, claims 2-6, 8 and 9 define patentable subject matter. Furthermore, the prior art of record does not disclose or suggest the following: 1) slots that snappably receive one or more flexible support members (claim 2); 2) support members that comprise cables or rope (claim 3); 3) stop members that comprise one or more components (claim 4); 4) the plurality of stop members are crimped, glued, welded or otherwise fixedly attached to the flexible support members (claim 5); 5) plurality of stop members are spherically shaped (claim 6); 6) supporting collars comprising plastic, metal, wood or any composite or combination thereof (claim 8); or 7) comprising a swivel support (claim 9) each of the above having at least one supporting collar comprising at least one inner aperture extending therethrough adapted to receive a potted plant therein, a plurality of flexible support members and a plurality of stop members as recited in independent claim 1. Accordingly, claims 2-6, 8 and 9 are in condition for allowance.

Regarding independent claim 10, the Examiner states, "[r]e - claims 10-12 and 14-19, Dziewulski discloses the claimed invention as applied to the above claims." Independent claim

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10 requires, among other elements, a supporting collar comprising at least one aperture extending therethrough adapted to receive at least one potted plant therein . . ." It is clear from the above-noted language that the '099 patent does not disclose at least one supporting collar comprising at least one inner aperture extending therethrough adapted to receive a potted plant therein. Moreover, the '099 patent clearly does not disclose an assembly having easy interchangeability, replacement of pots within the hanger assembly without requiring significant disassembly, rearranging or manipulation of the hanger assembly. To anticipate a claim, the reference must teach every element of the claim. MPEP §2131. The '099 patent does not teach the above-noted features of claim 10. Accordingly, claim 10 is in condition for allowance. Claims 11, 12 and 14-19 ultimately depend from independent claim 10, and since claim 10 defines patentable subject matter, claims 11, 12 and 14-19 define patentable subject matter. Accordingly, claims 11, 12 and 14-19 are in condition for allowance.

### **35 U.S.C. §103(a) Rejection**

Claims 7 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dziewulski. Claims 7 and 13 are directed toward a supporting collar having a substantially planar shape.

In order to establish a prima facie case of obviousness, three basic criteria must be met, according to the Manual of Patent Examining Procedure, §706.02(j). These three are repeated as follows. Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Secondly, there must be a reasonable expectation of success. Thirdly, the prior art reference must teach or suggest all the claim limitations. Applicant submits that the Examiner has not established a prima facie case of obviousness for rejecting claims 7 and 13.

In regard to the first criterion of obviousness, there is no suggestion or motivation in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. The '099 patent discloses, "a flower pot which is adapted to be suspended in a hanging position and which is provided with a detachable watering tray." (Column 1, lines 5-7). The '099 patent also states, "[a]nother object of the invention is to provide a hanging flower pot with a detachable watering saucer." (Column 1, lines 17-19).

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The present application discloses a potted plant hanger assembly which allows easy interchangeability/replacement of pots within the hanger assembly without requiring significant disassembly, rearranging or manipulation of the hanger assembly. This assembly includes a supporting collar having a substantially planar shape. Accordingly, there is no suggestion or motivation either in the reference itself or in the knowledge generally available to one of ordinary skill in the art to modify the reference teaching.

In regard to the third criterion of obviousness, the prior art reference does not teach or suggest all the claim limitations. Clearly, the '099 patent does not disclose at least one supporting collar comprising at least one inner aperture extending therethrough adapted to receive a potted plant therein, wherein the supporting collar has a substantially planar shape. Accordingly, claims 7 and 13 are in condition for allowance.

It is believed that the preceding remarks have placed this case in complete condition for allowance. An early and favorable notice in that regard is therefore believed appropriate, and respectfully requested.

Respectfully submitted,

JOHN E. HARTMAN

By: Price, Heneveld, Cooper,  
DeWitt & Litton, LLP

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Date

  
Chad J Wiegand  
Registration No. 52 360  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
(616) 949-9610

CJW/cmu